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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,399	01/14/2004	Raymond Keith Foster	Foster DW	7486

7590 10/05/2004
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EXAMINER

CRAWFORD, GENE O

ART UNIT PAPER NUMBER

3651

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,399

Applicant(s)

FOSTER, RAYMOND KEITH 

Examiner

Gene O. Crawford

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7 and 10 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract should be limited to one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 6 and 11 are objected to because of the following informalities: in claim 6, line 2, the word "as" should be --has--; in claim 11, line 12, the word "rend" should be --end--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 10 recites the limitation "the clamp member" and "the transverse drive member" in line 2. There is insufficient antecedent basis for this limitation in the claim. It appears applicant meant for claim 10 to depend from claim 9.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Quaeck ('894).

The reciprocating slat conveyor disclosed by Quaeck includes all the claimed features and in particular includes: **(claim 1)** a pair of laterally spaced apart, first and second support members, each having an upper portion, a bearing 8 supported on each of the first and second support members; each bearing 8 having an upper bearing surface and lower bearing surface; a longitudinal conveyor slat 2 having a central portion 4 disposed generally between the support members and opposite side portions projecting laterally outwardly from the central portion, one side portion having a top wall in contact with an upper bearing surface and a bottom member in contact with a lower bearing surface 26 of the same bearing (figure 2); the other side portion having a top wall in contact with the upper bearing surface of the bearing on the second support member, and bottom member confronting the lower bearing surface of the same bearings wherein the reciprocating slat moves back and forth endwise on the bearings 8; **(claim 6)** the bottom wall of the conveyor slat having a central portion flanked by first and second side portions 16 wherein a portion of the side portion is below and confronts a lower bearing surface 26 of the first and second bearings (figure 2); and **(claim 7)**

Art Unit: 3651

wherein the first and second side portions are in the nature of leaf springs as broadly claimed.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quaech ('894) in view of Hallstrom, Jr.

With regard to claim 2, Quaech includes all the claimed features but does not disclose fixed conveyor slats extending between a second and third support member. However, Hallstrom, Jr. discloses the broad teaching of providing fixed conveyor slats between supports and reciprocating slats. It would have been obvious to one of ordinary skill in the art to provide the reciprocating slat conveyor of Quaech included fixed conveyor slats in between reciprocating slats to facilitate material remaining stationary as the slats move in a reverse direction as taught by Hallstrom, Jr.

Allowable Subject Matter

10. Claims 9 and 11-14 are allowed.

Art Unit: 3651

11. Claims 3-5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: a reciprocating slat conveyor including the unique features of 'the first and second side portions of the fixed conveyor slat being supported on the upper portions of the second and third support members' and 'the central portion of the conveyor slat including a channel member having side flanges, an interconnecting bottom web connected to a central portion of the bottom wall' in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

13. The following is an examiner's statement of reasons for allowance: a reciprocating slat conveyor including the unique features of 'a door at the rear end of a sloping apron, the rear position of the movable slats being closer to the rear end of the apron than the front end of the apron, the forward position of the movable slats being closer to the front end of the apron than it is to the rear end of the apron' in combination with the rest of the language is not taught or fairly suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3651

Conclusion

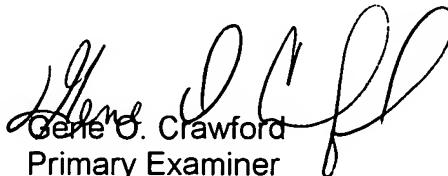
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to reciprocating slat conveyor structures and those used for handling bulk materials:

Foster ('215), Foster ('772), Foster ('994), Quaeck ('396), Verhaeghe and Jackson et al.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gene O. Crawford
Primary Examiner
Art Unit 3651
